

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

(1) MANDI WRIGHT, as Surviving
Spouse of CORY WRIGHT,
Deceased,

Plaintiff,

v.

Case No.: 11-CIV-1235-C

(2) GARY STANLEY, individually and
in his official capacity as Sheriff of
Woodward County; *et al.*

Defendants.

PLAINTIFF'S PROPOSED VOIR DIRE

Pursuant to this Court's Order, Plaintiff submits the following voir dire and requests that the court instruct the jury accordingly.

Respectfully submitted,

BRYAN & TERRILL

s/ J. Spencer Bryan

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Attorneys for Plaintiff

General Questions

1. State your name, occupation, and educational background. If retired, what did you do before retiring?
2. If married please provide your spouse's occupation and educational background as well as the age, occupation and/or educational background of all children.
3. When you are not working what do you do for recreation or relaxation? Do you have any hobbies or other pastimes?
4. Do any of you have any physical ailment or disability or personal problems that would prevent you from serving in this case for the next several days?
5. Do you have any emotional problems or other issues going on in your life right now such as divorce, death, illness or hospitalization of a loved one or bankruptcy, or with work that would distract you or otherwise make it difficult for you to listen to evidence and concentrate on someone else's problems for a period of time and consider the evidence in this case?
6. Do any of you have any difficulty with your sight or hearing that could affect your serving as a juror?
7. Do you have any medical problems that would make it difficult for you to remain seated in the courtroom for an extended amount of time?
8. Do any of you have any difficulty understanding or reading the English language?
9. Do any of you have any religious, moral or ethical beliefs that would prevent you from passing judgment on another person?

10. Are you a member of any political organizations, clubs or other associations? Have you ever volunteered to work for any group associated with the legal system or law and/or safety enforcement?
11. Plaintiff's decedent Cory Wright is a former pretrial detainee at the Woodward County Jail in Woodward County, Oklahoma. This case involves claims by Mr. Wright's Estate that the defendants deprived him of his rights secured by the Constitution and laws of the United States and the State of Oklahoma. This is not a criminal case in which you will be asked to judge the guilt or innocence of anyone. Do you have any personal feelings, beliefs, or concerns that would prevent you from sitting on this type of a case?
12. Did any of you know Mr. Wright?
13. The defendants are the Board of County Commissioners of Woodward County, Oklahoma, and jailers Jeremy Cannon and Jennifer Collison. Do you know any of them? Do any of you reside in or own property in Woodward County, Oklahoma? Do you have any relatives or close friends who either reside in or own property in Woodward County, Oklahoma?
14. Are any of you personally acquainted with or related to, or have you have any dealings with, any of the following individuals whose names may be mentioned or who may be called as witnesses at the Trial of this case?
15. The Estate is being represented by J. Spencer Bryan and Steven Terrill of Bryan & Terrill Law, D. Mitchell Garrett Jr. of the Garrett Law Center and Noble McIntyre and

Jeremy Therman of the McIntyre Law Firm. Do any of you know any attorneys employed these law firms?

16. The defendants are being represented by Chris Collins, Wellon Poe, and Jamison Whiten of Collins, Zorn & Wagoner, Randall Wood, Carson Smith, and Robert Lafferander of Pierce, Couch, Hendrickson and Baysinger, and David Kirk and Robert Jones of Lytle, Soulé and Curlee. Do any of you know these attorneys, or any person who is employed at the law firms?

Prior Jury Service

17. Have any of you ever sat as a juror before in any type of case? If so, without stating what your verdict was, please state whether the case was in state or federal court, whether it was a civil or criminal matter, and whether a verdict was reached.
18. Have any of you served as a grand juror?
19. If you have served on a jury before, did you act as jury foreperson? If so, please describe your opinion of that experience?
20. For those of you who have described prior jury service, is there anything about your prior experiences as a juror that would prevent you from acting as a fair and impartial juror in this case?

Experience with the Justice System & Connection to Law Enforcement

21. Have you or any member of your family or any close friends ever been a party, that is, a plaintiff or a defendant, in a state or federal court case, whether criminal or civil? If so, what kind of case? And, what did it involve? Is there anything about that

experience as party in a case that would prevent you from acting as a fair and impartial juror in this case?

22. Have you or any member of your family or any close friends ever testified as a witness at a deposition, trial or a grand jury investigation? If so, what was the case about? Is there anything about that experience as a witness that would prevent you from acting as a fair and impartial juror in this case?
23. Have you or any close family member or any close friends ever been employed in the field of law enforcement or correctional services? If so, please state when, the name of your employer and give a brief description of the employment and your training for it. Are you or they still currently involved in law enforcement or correctional services? If not, why not?
24. Have you ever summoned a law enforcement agency for assistance? If so, please describe in detail.
25. Have you or any person close to you ever had a verbal or physical confrontation with a law enforcement officer? If so, please describe in detail.
26. Have you ever been arrested? If so, please describe in detail.
27. Have you ever been convicted of a crime? If so, please describe in detail.
28. Do you know anyone that has been accused of a crime? Do you know any one that is or has been arrested? If yes to either or both questions, what was this person's relationship to you and what is your opinion of him or her?
29. Have you ever been to prison or jail, either as a visitor or otherwise? If so, please

describe in detail.

30. Have you ever had contact with a corrections officer or jailer? If so, please describe in detail.
31. Have you, a family member, or close friend ever been the victim of a crime? If so, please describe the circumstances, including the status of the matter, including whether the perpetrator was caught, convicted, or if the matter is currently on-going, being investigated by the police, or being tried.
32. Because of your beliefs, relationships, or prior experiences with the justice system and/or law enforcement would you be more likely or less likely to sympathize with, give greater credibility to, or in any manner favor the defendants in this case because they hold positions in law enforcement and government?

Attitudes Regarding Prisoners and Law Enforcement

33. This case involves a claim by the Estate of Cory Wright, a former pretrial detainee, alleging that the defendants exhibited deliberate indifference to the conditions of confinement at the Woodward County Jail that resulted in injury to him. Given that Mr. Wright was a pretrial detainee and the defendants are government officials, law enforcement officers and jail officials, will this affect how you view their respective testimony?
34. Cory Wright was a pretrial detainee, meaning that he was detained on criminal charges pending trial and is entitled to the presumption of innocence. Should the Estate be concerned about whether he can get a fair trial here? Why or why not?

35. Does the fact that the plaintiff was a pretrial detainee cause you to believe that he has no right or less of a right to seek damages in federal court for a violation of his constitutional rights?
36. Have you read anything in the newspapers or seen anything on television about government officials or law enforcement disregarding the conditions of confinement inside a jail or putting a pretrial detainee into situations where others may harm him? What have you read or seen? In what publications or programs?
37. What are your feelings on such instances?
38. Do you think government employees or law enforcement should be given the benefit of a doubt when their conduct is challenged and there is a dispute arising out of their conduct?
39. Do you feel that pretrial detainees who think that they have been treated unfairly or illegally should not bring suit against government officials, corrections officers or jail staff?
40. Do you think that lawsuits against government officials, law enforcement and jail staff might improve performance by providing a check on those who might disregard a substantial risk of serious harm to the jail population?

Assessing Credibility

41. In what types of situations have you been in where you have had to decide whether to believe one person over another?
42. Would you give greater credence to the testimony of a law enforcement official

because they are law enforcement, as compared to the testimony of non-law enforcement personnel?

43. Would you give greater credibility to the testimony of a government official, law enforcement or jail staff than you would the testimony of any other person?
44. Do you feel there are circumstances where government officials, law enforcement or jail staff might not tell the truth? Do you feel that law enforcement and jail staff have a “code of silence?” If so, what does that mean and why do you have that belief?
45. Do you think people accused of crimes can tell the truth? Does a pretrial detainee have the ability to tell the truth?
46. Do you have trouble believing someone when you know or might believe that they have been accused of a crime?

Other

47. Under the law, the facts are for the jury to determine and the law is for the Court. The two areas are separate and distinct. At the end of the case, Judge Cauthorn will instruct you on the law, and you are required to accept the law as it is explained to you. It will be your job to determine the facts under the explanation of the law. Do you feel that you would be able to apply the law as it is explained it even if you disagree with it?
48. This is a civil case in which the only way for the Estate to recover is for the Jury to make an award of money damages. Would you be comfortable making such an award

if the evidence and the law supported it? Is your answer still the same despite the fact that Mr. Wright was a pretrial detainee at the time of his injury?

49. Is there anything — whether I have asked specifically about it or not — that would affect your ability to render a fair and impartial verdict in this case?
50. You know yourself, your experiences, opinions, and predispositions, better than anyone, and knowing yourself as you are, if you feel that you cannot fairly or impartially reason the facts and law of this case, then it is wrong for you to remain on this panel, and I ask that you call this to my attention immediately and we may discuss it privately. Knowing all of this and what your duty as a juror would be, do you think it would be appropriate for you to serve on this panel?

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2016, I electronically transmitted the forgoing instrument to the Clerk of the Court using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

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s/J. Spencer Bryan
J. Spencer Bryan, OBA #19419